

under authority of the act of March 3, 1903, vanilla extract is defined as follows:

Vanilla extract is the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and contains in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of the vanilla bean.

It was apparent, therefore, that the article was both adulterated and misbranded; adulterated because of the substitution of synthetic vanillin for extract of the vanilla bean, and because it was an imitation extract colored with caramel to give it the color of genuine vanilla extract, thereby concealing inferiority; and misbranded because it was labeled "American Flavors, Vanilla" when, as a matter of fact, it was an imitation of that article having in it no extract of the vanilla bean and having been colored with caramel to impart the color of the pure extract. The Secretary of Agriculture having on September 28, 1908, afforded the manufacturers an opportunity to show any fault or error in the aforesaid analysis and they having failed to do so, the facts were duly reported to the Attorney-General and the case referred to the United States attorney for the southern district of Ohio, who filed an information against the said Heekin Spice Company, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 17, 1909.*

(N. J. 49.)

MISBRANDING OF COFFEE.

(AS TO GEOGRAPHICAL SOURCE.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *vs.* 300 cases of roasted coffee, more or less, a proceeding of libel brought under section 10 of the aforesaid act, in the district court of the United States for the district of Indiana, for seizure and condemnation of the said coffee for the reason that it was misbranded, in this, it was labeled and branded "Dutch Java Blend," although it contained neither Java nor any other East

India grade of coffee, but was a mixture of washed Santos, Santos, and Bourbon coffee. The Dayton Spice Mills Company, a corporation conducting business at Dayton, Ohio, appeared as claimant and owner of the said coffee. The cause having come on to be heard on the 17th of October, 1908, the court adjudged the coffee misbranded as alleged in the libel and rendered its decree in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF INDIANA.

UNITED STATES	}	6874.
<i>vs.</i>		
THREE HUNDRED CASES OF ROASTED COFFEE, MORE OR LESS, The Dayton Spice Mills Co., Claimant and Owner.		

Now, at this day comes the United States by Joseph B. Kealing, United States attorney for the district of Indiana, and the Dayton Spice Mills Company, by its president, claimant and owner of the two hundred and seventy cases of coffee, by P. H. Worman, esq., their attorney, and this case now coming on to be heard on the pleadings herein and after due deliberation being had in the premises, the court finds that all of the material allegations of the libel are true and that the United States is entitled to recover herein.

It is therefore ordered, adjudged, and decreed that the said Two hundred and seventy cases of coffee, be, and the same are hereby, condemned as being misbranded under the provisions of the Food and Drugs Act of June 30, 1906.

And it appearing to the court that the costs in this case, taxed at \$—, have been paid by the claimant Dayton Spice Mills Company and the claimant having filed herein a good and sufficient bond, to the effect that the said Two hundred and seventy cases of coffee shall not be sold or otherwise disposed of contrary to the provisions of Food and Drug Act, June 30, 1906,

It is therefore further ordered, adjudged, and decreed that the marshal be, and he is hereby, directed to release the said Two hundred and seventy cases of coffee and restore the same to the claimant, the Dayton Spice Mills Company.

The facts in the case were as follows:

On or about September 28, 1908, an inspector of the Department of Agriculture found in the possession of Frank S. Fishback, Indianapolis, Ind., 270 cases of roasted coffee, each case being labeled and branded "100 pounds Dutch Java Blend. Fancy Roasted Coffee, Dayton Spice Mills Co., Dayton, Ohio." The coffee had been packed and was shipped by the Dayton Spice Mills Company to Frank S. Fishback on September 26, 1908. Samples of the coffee had been analyzed in the Bureau of Chemistry of the Department of Agriculture and it was found that it was a mixture of washed Santos, Santos, and Bourbon coffee, the latter being a coffee grown in Brazil from Mocha coffee seed. It was evident that the label appearing on the cases describing the coffee contained therein as a "Dutch Java blend" was false, misleading, and deceptive and in violation of section 8 of the Food and Drugs Act of June 30, 1906. Accordingly, on October 1, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney

for the district of Indiana, and libel for seizure and condemnation under section 10 of the act was duly filed, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,
Board of Food and Drug Inspection.

Approved :

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 17, 1909.*

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